



**BRIEFING: November 14, 2012 AGENDA ITEM #5**

**TO:** Chairman Richard and Board Members

**FROM:** Mark McLoughlin, Interim Deputy Director for Environmental Planning

**DATE:** November 5, 2012

**RE:** Approval of Agreement with California Department of Conservation for Implementing Agricultural Lands Mitigation Program

---

**Background**

On May 3, 2012, the Board certified the Merced to Fresno High-Speed Train Project EIR/EIS, which included a mitigation commitment to enter into an agreement with the California Department of Conservation (DOC) to implement the preservation of farmland. This preservation is to occur by identifying suitable agricultural land for mitigation of project impacts and by funding the purchase of agricultural easements from willing sellers. The performance standards for this measure are to preserve Important Farmland in an amount commensurate with the quantity and quality of the converted farmlands, within the same agricultural regions as the impacts occur, at a replacement ratio of not less than 1:1. That is, for every acre impacted at least one acre will be preserved in perpetuity. This is important because of farmland being lost to development. Between 2000 and 2008, over 115,000 acres of Important Farmland were lost to development in the lower San Joaquin Valley (Source: CA Dept. of Conservation).

**Discussion**

With approval of the agreement, the Authority and the DOC will develop selection criteria to guide the pursuit and purchase of conservation easements. These will be prioritized, in part, on acquiring easements that are adjacent to other protected agricultural lands in order to support the establishment of greenbelts and urban separators. Given its existing statutory role and experience in helping identify, negotiate and purchase easements, the DOC will acquire conservation easements to satisfy the Authority's mitigation commitment and the Authority will be a participant in this process.

Board approval is needed as part of the Authority's property acquisition efforts for Construction Package 01 (CP-01), between Ave 17 in Madera County south to the Fresno Station. The agreement has been developed to also cover the Fresno to Bakersfield and the San Jose to Merced sections. Specifically, after the Board certifies the EIR/EIS and gives project approval for the Fresno to Bakersfield HST Project, the agreement and funds being requested in this action will allow the Authority to obtain conservation easements between Fresno and Bakersfield. The agreement also allows the DOC to work with the Authority to purchase conservation easements between San Jose and Merced following completion of the Authority's environmental work on that section.

The agreement provides initial funding, using a combination of federal and state funds, for the acquisition of conservation easements on +/- 2,500 acres that will preserve in perpetuity this land for agricultural production. Purchase of the easements, along with DOC staff support, is estimated to cost \$20 million, of which \$18 million is for easement acquisition. Of the \$18 million, approximately \$2.5 million will be spent to purchase easements 310 acres for CP- 01, with the remaining funds to be used, pending final Authority and FRA approval of the Fresno to Bakersfield EIR/EIS, for easements on 2,190 acres for that section. When appropriate, staff will request additional funds to augment this agreement for the purchase of conservation easements for the San Jose to Merced section.

### **Recommendations**

Resolved: That the Board authorizes the Chief Executive Officer, following successful negotiation of a final agreement, to enter into a contract with the DOC for implementing the Authority's agricultural lands mitigation program.

### **Attachments**

1. ~~\*October 2012 Draft Scope of Work, Budget and Schedule between the Authority and the California Department of Conservation~~
1. Resolution HSRA # 12-28~~28~~29

\* The following attachment has been removed from agenda item number five.